

Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 2-9, 11-12, 24-27, 29-30, 35-42 are pending in the application, with claims 25, 35 and 39 being the independent claims. Claims 1, 10, 13-23, 28 and 31-34 are cancelled without prejudice to or disclaimer of the subject matter therein. New claims 36-42 are added. Claims 2-9, 12, 24-27, 29-30 and 35, paragraphs [0017]-[0021], [0025], [0026], [0035], [0049], [0055]-[0057], [0059], [0062] and [0084] and FIGs. 1, 10 and 13 are amended herein. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicants respectfully request that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Objections to the Drawings

The Examiner generally objected to the drawings because the plane designating a cross-section was not in the proper form and not label correctly. In the attached replacement formal drawings submitted herewith, Applicants have amended the labels in FIGs. 1 and 10, as suggested by the Examiner. Applicants have also amended paragraphs [0017]-[0021], [0025], [0026], [0035], [0049], [0055]-[0057], [0059] and [0062] of the specification to reflect the label changes found in FIGs. 1 and 10. Applicants submit that these changes represent corrections of informalities and do not included any new matter.

The Examiner objected to FIG. 7 because of poor quality. Applicants submit herewith replacement formal drawings that rectify the quality of FIG. 7 as filed.

Applicants submit that the formal drawing of FIG. 7 is a representation identical to FIG. 7 as filed. Thus, no new matter is added.

The Examiner objected to FIG. 13 because it was not labelled or described in detail in the specification. In the attached replacement formal drawings submitted herewith, Applicants have provided reference numerals to FIG. 13. Additionally, Applicants have amended paragraph [0084] of the specification to provide detailed description of FIG. 13. Applicants submit that the details regarding FIG. 13 added to paragraph [0084] were apparent from FIG. 13 submitted with the application and merely include reference to like features in other embodiments disclosed in the specification. As such, the changes to paragraph [0084] do not include the addition of any new matter.

Rejections under 35 U.S.C. § 102

The Examiner rejected claims 1, 2, 4-12, 21, 24, 28-30 and 32-35 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,235,715 to Donzis. Applicants canceled claims 1, 10, 21, and 28 and 32-34 rendering the rejection thereof moot. Further, Applicants changed the dependency of claims 2, 4-9, 11-12, 24 and 29-30 to depend directly or indirectly from one of amended claim 35 or new claim 39.

Claim 35 has been amended to include "a sidewall having a plurality of ridges." The Examiner rejected original claim 10 by indicating that "the outerwall [of the container of the Donzis patent] has an outer flange that ends outward on both sides and therefore the outer wall has ridges as shown in a cross sectional view." Applicants have defined a sidewall as extending from around a first perimeter of a first wall to around a second perimeter of a second wall. As such, a sidewall constitutes the vertical height between the first and second wall. Applicants submit that where a flange attaches top component 12 to bottom component 14, as taught by the Donzis patent, is not along the

sidewall, thus would not be a ridge on the sidewall. Even if it could be considered a ridge, it at best may be considered only a single ridge along a sidewall. Thus, the Donzis patent does not anticipate claim 35 or the claims that depend from and add features to claim 35. In addition, none of the cited references provide motivation or suggestion to modify the teaching of the Donzis patent to provide a sidewall having a plurality of ridges.

New claim 39 includes a plurality of compartments and at least one channel that are jointly defined by the container and by the foam core, as shown in FIG. 13. The Donzis patent does not teach both compartments and channels that are at least partially defined by the container. As such, new claim 39 and the claims that depend from and add features to claim 39, are not anticipated by the Donzis patent.

In light of the amendments herein and the above remarks, Applicants respectfully request the withdrawal of this 35 U.S.C. § 102 rejection.

Rejections under 35 U.S.C. § 103

The Examiner rejected claim 3 under 35 U.S.C. § 103(a) as being obvious over Donzis in view of official notice that nitrogen has been used as a fluid to inflate a shoe. Claim 3 depends from and adds features to claim 35. As such, it is patentable for the same reasons as amended claim 35 discussed above.

In light of the amendments herein and the above remarks, Applicants respectfully request the withdrawal of this 35 U.S.C. § 103 rejection.

Allowed Claims

Applicants appreciate the Examiner's acknowledgement of the allowability of claims 25-27 if the claims are rewritten in independent form. As suggested by the

Examiner, claim 25 has been rewritten in independent form. Thus, claim 25 and claims 26-27, which depend from and add features to claim 25 are allowable claims.

Other Matters

Upon entry of this amendment, the claims are no longer generic to each species identified by the Examiner in the Election of Species Requirement dated October 28, 2004. As such, withdrawn claims 13-20, 22, 23 and 31 have been cancelled. Nonetheless, claim 35 is generic to more than one subspecies identified by the Examiner including the subspecies originally claimed in claim 22. New claim 42 contains substantially the same features as original claim 22, now depending from claim 35. Thus, upon allowance of claim 35, Applicants respectfully request allowance of claim 42.

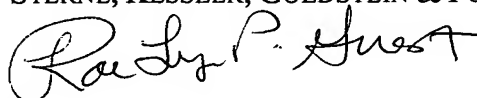
Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicants believe that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

A handwritten signature in black ink, appearing to read "Rae Lynn P. Guest". The signature is fluid and cursive, with the first name "Rae" being the most prominent.

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